

# **DEPOSITION**

# **EXCERPTS**

**DR. CHRISTOPHER EILAND**

**VOLUME 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CHRISTOPHER B. EILAND, DVM, MS,

Plaintiff,

Vs.

CIVIL ACTION NO.  
CV-459-VPM

DR. BYRON L. BLAGBURN,  
individually and in his  
official capacity, etc.,  
et al.,

Defendants.

\* \* \* \* \*

DEPOSITION OF CHRISTOPHER B. EILAND, taken  
pursuant to stipulation and agreement before  
Patricia G. Starkie, Registered Diplomate Reporter,  
CRR, and Commissioner for the State of Alabama at  
Large, in the Law Offices of Balch & Bingham, 105  
Tallapoosa Street, Montgomery, Alabama, on Monday,  
April 17, 2006, commencing at approximately  
9:10 a.m.

\* \* \* \* \*

VOLUME I

\* \* \* \* \*

1 the waiving of the filing of the same.

2 It is further stipulated and agreed by and  
3 between the parties hereto and the witness that the  
4 signature of the witness to this deposition is  
5 hereby waived.

6 \* \* \* \* \*

7 CHRISTOPHER B. EILAND

8 The witness, after having first been duly  
9 sworn to speak the truth, the whole truth and  
10 nothing but the truth testified as follows:

11 EXAMINATION

12 BY MR. KNIGHT:

13 Q. State your name, please.

14 A. Christopher Brooks Eiland.

15 Q. And your date of birth?

16 A. 6/27/75.

17 Q. And you understand that you're here today  
18 to give a deposition. Have you ever given  
19 a deposition before?

20 A. No.

21 Q. Has your attorney explained the process of  
22 what a deposition is? I'm going to ask you  
23 questions, and you're going to answer to

1 repeat it. I'll be glad to repeat it. I  
2 want to make sure that you understand what  
3 I'm asking. If you answer, I'm going to  
4 assume that you understood the question.  
5 Is that fair?

6 A. That's fair.

7 Q. Okay. If you need to take a break for any  
8 reason, let me know. I'll be glad to take  
9 a break.

10 Have you gone by any other name other  
11 than Chris Eiland?

12 A. No.

13 Q. What's your social security number?

14 A. 418-29-7079.

15 Q. How old are you now?

16 A. I'm 30.

17 Q. Okay. And you're a citizen of Alabama?

18 A. Uh-huh (positive response).

19 Q. Where do you currently live?

20 A. Gadsden, Alabama.

21 Q. How long have you lived in Gadsden?

22 A. A year and four months.

23 Q. What's your address?

1 A. 1989.

2 Q. So you graduated in '92?

3 A. 1993.

4 Q. What did you do after graduating high  
5 school?

6 A. I attended Auburn University.

7 Q. What year did you enter Auburn?

8 A. 1993.

9 Q. As an undergraduate, what was your major?

10 A. Animal and dairy science.

11 Q. Did you earn a degree in animal and dairy  
12 science?

13 A. Yes.

14 Q. What year did you earn that degree?

15 A. 1997.

16 Q. What did you do after receiving your  
17 undergraduate degree?

18 A. I took upper-level science courses and  
19 applied to veterinary school at Auburn  
20 University.

21 Q. Upper-level science courses. Explain that  
22 a little bit. What is that?

23 A. Courses like biochemistry, comparative

1 anatomy, advanced physiology.

2 Q. Was this part of a -- were you seeking a  
3 master's degree or was this -- how did you  
4 come to take these classes?

5 A. It was suggested by the college of  
6 veterinary medicine to help prepare me for  
7 vet school.

8 Q. Okay. So had you officially entered a  
9 master's degree program or DVM program?

10 A. No.

11 Q. Okay. So these were just kind of electives  
12 that really didn't count towards anything  
13 except to prepare you for what you were  
14 going to be doing in the future?

15 A. At the time, it was suggested that I could  
16 use that. It would help me and benefit me  
17 in veterinary school once I got accepted.  
18 Also it may count toward a master's degree  
19 should I choose to pursue one.

20 Q. Who suggested that you take those classes?

21 A. I'm thinking that was Dr. Sartin.

22 Q. Who is Dr. Sartin?

23 A. Dr. Sartin is a professor in the vet school

1           who does interviews for veterinary  
2           students.

3       Q.    Okay.  I understand you entered a Master's  
4           of Science program in 1998; is that  
5           correct?

6       A.    That's correct.

7       Q.    Okay.  Tell me what that is and what it was  
8           in.  Explain that a little bit.

9       A.    My Master's of Science?

10      Q.    Yes.

11      A.    What it was?

12      Q.    Right.  I mean, was it a Master of Science  
13           in a certain discipline or what?

14      A.    It was.  It was in the discipline of  
15           parasitology.

16      Q.    And how long is that program?

17      A.    It varies.

18      Q.    Generally?

19      A.    Average?

20      Q.    Right.

21      A.    Around two years.

22      Q.    What did it take to complete that program?

23      A.    You need to take said number of courses to



1 amount to so many hours that's required for  
2 a master's, and then you need to do a  
3 research project where you will publish  
4 that.

5 Q. Was this in the graduate school?

6 A. Yes.

7 Q. Explain the research project. What did  
8 that entail?

9 A. My research project?

10 Q. Yes.

11 A. It consisted of going to the humane  
12 society. Cats that were to be euthanized  
13 were -- we collected data from them. We  
14 collected blood, we did x-rays, we gave  
15 physical exams, we necropsied them, took  
16 their heart out and lungs, looked for adult  
17 heart worms. We fixed lung lobes with  
18 glutaraldehyde for histopathology later.  
19 We took fecal samples. We totaled up a  
20 number of prevalence for ear mites. With  
21 the blood work we ran CBCs and blood  
22 chemistries, I think. We also ran  
23 serology, FELV, which is leukemia virus in

1 cats; FIV tests to test their prevalence.  
2 We also sent off the blood work to Animal  
3 Diagnostics to test for positive serology  
4 for heart worms in cats. We also ran  
5 in-house tests.

6 Q. And you're saying we. Who is we?

7 A. Well, basically me, and at my committee's  
8 approval of it.

9 Q. You had a committee for your master's  
10 degree?

11 A. I did.

12 Q. Who was your committee made up of?

13 A. My major professor was Dr. Byron Blagburn.  
14 Dr. Jenny Spencer, Dr. Joseph Newton, and  
15 Dr. Ray Dillon.

16 Q. And you worked with those people doing this  
17 research?

18 A. I collected the research and did that. I  
19 checked in with them. They're in charge of  
20 what I'm doing. They don't let graduate  
21 students just go collect and do any  
22 research. They want to -- to do that kind  
23 of stuff, you have to have committee's

1 approval.

2 Q. You said you had a major professor.  
3 Explain what that is in the context of the  
4 master's degree.

5 A. A major professor is someone who is over  
6 the student. He is his mentor, like the  
7 old apprentice mentorship program. You're  
8 supposed to be able to learn from your  
9 major professor. That's who you're  
10 supposed to go to for advice and guidance  
11 in academics, ethical behavior, research.

12 Q. And this was Dr. Blagburn?

13 A. Uh-huh (positive response).

14 Q. How did he come to be your major professor?

15 A. I worked in his lab as a student worker in  
16 sometime between 1997 and '98, and at that  
17 time I went and asked him if I could be his  
18 graduate student, and he said yes.

19 Q. It was at his discretion to accept you as a  
20 student, as his mentor, so to speak?

21 A. He told me that if I applied into graduate  
22 school and got accepted that he would be  
23 happy to serve as my major professor.

1 great fit.

2 Q. Okay. Who hired you to work there?

3 A. The lab supervisor.

4 Q. And who was that?

5 A. Jamie Butler.

6 Q. Is that a male or female?

7 A. Female.

8 Q. When did you first start to work there?

9 A. Around the summer of 1998.

10 Q. Was there a course work requirement that  
11 you had to complete as part of your  
12 master's program?

13 A. Excuse me?

14 Q. Your master's program, was it course work  
15 and research?

16 A. Yes.

17 Q. Both you had to complete before you  
18 graduated?

19 A. Yes.

20 Q. Okay. How many semesters of course work?

21 A. It's difficult to put a number on that. We  
22 were initially on a quarter system, and  
23 then we switched to a semester system. I

1 was on quarter system when I began. It's  
2 not about the number of quarters, it's  
3 about the number of hours of course work  
4 you have to take.

5 Q. Roughly two years, one year?

6 A. It's more likely about a year's worth of  
7 course work.

8 Q. Okay. And you entered that in the fall of  
9 1998, correct?

10 A. Yes.

11 Q. Who were your professors that you can  
12 remember that you took courses from?

13 A. In my master's work?

14 Q. With your master's work.

15 A. Dr. Curtis Bird was one, Dr. Ewald was  
16 another, Dr. Hendrix, Dr. Nusbaum,  
17 Dr. Panangala, Dr. Smith. I can't remember  
18 everybody's name.

19 Q. Okay. Now, around this same time, you also  
20 entered the doctor of veterinary medicine  
21 program?

22 A. That's correct.

23 Q. DVM?

1 A. Yes.

2 Q. That was in the fall of 1998?

3 A. It was 1999.

4 Q. 1999. Fall of 1999. Okay. If I refer to  
5 that as DVM, we know what we're talking  
6 about?

7 A. Yes.

8 Q. Okay. Tell me about the DVM program.

9 A. It's a program set up to graduate  
10 veterinarians. You usually take course  
11 work the first few years, followed by  
12 clinical work the last year, which is ended  
13 with a preceptorship where you go and work  
14 with a veterinarian. It's a four-year  
15 program.

16 Q. Four-year program? How many years of  
17 course work?

18 A. Two and a half to three.

19 Q. Clinical work is the last year?

20 A. Yes.

21 Q. Is there any kind of research --

22 A. No.

23 Q. -- component of this? No part?

1 Q. You have requirements that you have to do?

2 A. We do. We have to take certain courses.

3 It's not a choice, really. There are some  
4 electives that you can take, but there's a  
5 curriculum, a core curriculum that you must  
6 take.

7 Q. Did Dr. Blagburn have any involvement with  
8 you in your DVM program?

9 A. He taught a veterinary parasitology course.

10 Q. You took that class from him?

11 A. Yes.

12 Q. Dr. Hendrix?

13 A. He taught a veterinary parasitology course.

14 Q. Who were some of your other professors?

15 A. There's a lot at the college of veterinary  
16 medicine.

17 Q. How many?

18 A. That teach veterinary students?

19 Q. Yes.

20 A. That's a tough call. Let me think about  
21 that for a second. Maybe 50 to 100.

22 Q. Okay. Any of the other professors or  
23 faculty members that are part of this

1 lawsuit, did you take any classes from  
2 them?

3 A. I'm sorry?

4 Q. The other people, the other defendants that  
5 are in this lawsuit besides Dr. Blagburn  
6 and Dr. Hendrix, were any of those  
7 defendants professors that you had taken  
8 classes from at any time?

9 A. No.

10 Q. Let's go back to the -- in your lawsuit you  
11 refer to research that you've done. Is  
12 that research related to the research you  
13 were telling me about associated with your  
14 master's program?

15 A. Yes.

16 Q. Okay. Did Dr. Blagburn use some of this  
17 research in any kind of publication?

18 A. Yes.

19 Q. What was that?

20 A. I'm not sure of every instance that he's  
21 used my research in publication. I know of  
22 twice that he has, and that's in DVM Best  
23 Practices Feline Medicine in June of 2004



1 he cited my work in that article. And then  
2 in June of 2005, he uses my work and says  
3 that in a study he conducted and lists my  
4 data.

5 Q. You referred to it as your work. What's  
6 your basis for calling it your work?

7 A. I was the principal collector of the  
8 information.

9 Q. Did he supervise your research,  
10 Dr. Blagburn?

11 A. He was one of them.

12 Q. Okay. And tell me what other people  
13 supervised this research.

14 A. My committee was over what I was doing, and  
15 what I was doing was collecting  
16 information.

17 Q. How did you know to collect this  
18 information? Is that something the  
19 committee said, here's the kind of stuff  
20 you need to collect?

21 A. You get to -- as a graduate student, you  
22 get to pick what kind of research you're  
23 interested in. And this project was an

1 A. He was a committee member.

2 Q. Okay. Tell me, did Dr. Blagburn come to  
3 you -- did he come to you and ask you if he  
4 could use this work in a publication?

5 A. When I was dismissed from my department on  
6 December 3rd, 2003, he told me I was to  
7 turn in all my information and research to  
8 him, which I did. And I left it in the  
9 lab. Couple months later, he called me and  
10 wanted to know where that information was.  
11 And I showed him where it was and gave it  
12 to him, and I think he planned on using  
13 it. I'm not sure if he told me he planned  
14 on using it or if I just kind of assumed  
15 that since he was wanting to know where it  
16 was, he was going to use it.

17 Q. Where was this? You said you showed him  
18 where it was. Where was it?

19 A. I left it in my office where they told me  
20 to.

21 Q. Okay. So did he have to ask you permission  
22 to use it in any kind of publication?

23 A. I think he did.

1 Q. Okay. Is there any kind of written  
2 document, contract, anything of that sort  
3 that governs the relationship --

4 A. When you --

5 Q. -- between the student and the research?

6 A. When it became my thesis, I signed a  
7 copyright law that you were supposed to get  
8 the permission of the author before you  
9 made copies of my work or use it in  
10 publications.

11 Q. You signed a copyright law?

12 A. I signed my thesis that said that -- I'm  
13 not sure if it was a copyright law or not.

14 Q. You're not sure if it was a copyright law?  
15 Do you remember exactly what it said?

16 A. Not exactly. Something similar to what I  
17 said, that you had to have my permission.  
18 It might have been a copyright.

19 Q. Do you specifically remember it saying that  
20 whoever uses it has to get your permission?

21 A. To my knowledge, yeah.

22 Q. Okay. Do you have a copy of this anywhere?

23 A. Not on me. I do have a copy of it.

1 A. Dr. Blagburn.

2 Q. And when were you told that?

3 A. December 3rd in the meeting where I was  
4 dismissed from my department.

5 Q. Okay. Do you remember exactly what he  
6 said?

7 A. He said -- hold on. Let me think. I asked  
8 him -- they told me -- Dr. Hendrix and him  
9 told me that they would write me good  
10 letters of recommendation to other  
11 schools. And I asked them if I could take  
12 my research with me, and they said no, that  
13 after today I would no longer have access  
14 to that research.

15 Q. Okay. Did you make any copies of your  
16 research?

17 A. I have copied it before. I don't have any  
18 copies of it.

19 Q. You don't presently have any copies of it?

20 A. No.

21 Q. You said it was in your office and you had  
22 to show him where it was?

23 A. Yes.

1 Q. This was after December 3rd, 2003?

2 A. Right.

3 Q. Did you have access to it at that time?

4 Could you have gone in --

5 A. No.

6 Q. When did you graduate with your DVM?

7 A. It was May of 2003.

8 Q. What was your GPA?

9 A. I'm guessing a 3 point something, 3.2  
10 maybe.

11 Q. Okay. Did you graduate on time?

12 A. I did.

13 Q. Did you ever have any problems with any of  
14 the classes associated with your DVM? Did  
15 you ever fail a class?

16 A. No. I've never failed a class.

17 Q. You've never failed a class?

18 A. I never failed a class in vet school.

19 Q. Okay. Have you ever failed a class?

20 A. Yes.

21 Q. And when was that?

22 A. I can't exactly remember the dates. You  
23 have copies of my transcripts, right?

1 A. Average is two.

2 Q. Why did it take you until August 2003 to  
3 graduate?

4 A. There are -- that's the normal way would be  
5 to get a master's. There are programs that  
6 are dual-degreed programs where you can get  
7 a master's and a Ph.D. and a DVM at the  
8 same time. Those are going to take longer  
9 than the two years needed just for a  
10 master's. I was accepted into the college  
11 of veterinary medicine after a year's worth  
12 of being in my master's. That was an  
13 exception that Dr. Janicki and Dr. Wolfe  
14 allowed. It's my understanding that if  
15 you're in a master's program, you can't  
16 start veterinary school until you finish  
17 your master's program unless you get some  
18 kind of clearance first. And as far as I  
19 know, they -- Dr. Janicki and Wolfe cleared  
20 me for continuing on my master's while I  
21 was in vet school like I was in a  
22 dual-degreed program.

23 Q. Okay. Who is Dr. Janicki?

1 A. He is associate dean of research at the  
2 college of veterinary medicine.

3 Q. And who is Dr. Wolfe? Is it Dr. Lauren  
4 Wolfe?

5 A. Dr. Lauren Wolfe was the head of the  
6 department of pathobiology at the college  
7 of veterinary medicine.

8 Q. Did you talk to them about making this  
9 exception for you?

10 A. Yes.

11 Q. Do you recall the specifics of that  
12 conversation?

13 A. No. Just if it was possible.

14 Q. But they're not required to do this?

15 A. I'm really not sure on those rules or  
16 regulations.

17 Q. All right.

18 A. I was told --

19 Q. You thought they were doing you a favor?

20 A. I just knew that I had heard -- someone had  
21 told me that I might need to get clearance  
22 first, so I checked with them, the  
23 appropriate administrators for that, and

1 Q. What makes you think that?

2 A. I had a good relationship with all of the  
3 faculty members. I was president of my  
4 class all four years at the college of  
5 veterinary medicine, and my job was to act  
6 as the liaison sometimes between the  
7 faculty and the students, and I kept good  
8 relationships with the faculty.

9 Q. Tell me about your relationship with  
10 Dr. Blagburn during this time. Just --

11 A. What time?

12 Q. Kind of explain -- your relationship that  
13 you had with Dr. Blagburn during when you  
14 were getting your DVM and MS.

15 A. It was a great relationship. He was always  
16 helpful. He was a very smart man. He's a  
17 world-renown parasitologist and he was  
18 there to help me when I needed help.

19 Q. Explain that a little bit. Can you think  
20 of specific instances where he helped you  
21 out?

22 A. Well, a lot of times questions are going to  
23 come up when you're collecting research,



1 much as I could about parasitology.

2 There's two people there who know the most  
3 about parasitology, and that would be  
4 Dr. Blagburn and Dr. Hendrix. They are the  
5 experts in the field of parasitology. I  
6 don't think anybody at the college of  
7 veterinary medicine would know more about  
8 parasitology than those two. And I wanted  
9 to be a parasitologist. I wanted to know  
10 as much information as I could. These are  
11 two people to get that information from,  
12 good people.

13 Q. Okay. Dr. Blagburn, was he always -- would  
14 you characterize him as very helpful  
15 throughout your entire DVM and MS program?

16 A. He was helpful.

17 Q. Okay. Did he ever not help you with  
18 anything that you wanted him to help you  
19 with?

20 A. Of course, they would like for you to do as  
21 much on your own as possible and save going  
22 to them when you just couldn't find answers  
23 yourself. The idea of graduate research is

1           could do it myself, I tried to. I tried to  
2           limit the times I went and asked him for  
3           help if I could do it myself.

4       Q.    What about your relationship with  
5           Dr. Hendrix during this time? Can you  
6           explain that a little bit?

7       A.    He was the other parasitologist in the  
8           department of pathobiology. He was one of  
9           my professors in veterinary school. He was  
10          a good teacher of parasitology, and any  
11          time you needed help, he would help you in  
12          parasitology.

13      Q.    And you would go to him with basically the  
14           same things you would do with  
15           Dr. Blagburn? You would ask him to explain  
16           things related to your course work?

17      A.    If I had a question I thought he could help  
18           me with, I would go ask him.

19      Q.    Okay. And would you get him to help you  
20           with research?

21      A.    I don't think he ever helped me with  
22           research.

23      Q.    Okay. What about your relationship with

1 A. If you need a key to the department of  
2 pathobiology, you're going to go through  
3 his office. If you need some kind of  
4 clearance or if you need something in  
5 pathobiology, you're going to have to go to  
6 Dr. Wolfe.

7 Q. And did you do that kind of stuff? Did you  
8 ever go to his office for these type  
9 things?

10 A. I think every graduate student who gets  
11 into the department of pathobiology is  
12 going to go through those same things. But  
13 other than that, nothing unusual.

14 Q. He always helped you out with whatever it  
15 was that you needed?

16 A. His secretary and him helped, yes.

17 Q. Any problems between you two?

18 A. Never.

19 Q. Any problems between you and Dr. Blagburn  
20 during this time up until 2003?

21 A. Never.

22 Q. Dr. Hendrix?

23 A. Never.

1 are set out there?

2 A. Yes.

3 Q. You would try to tell them to follow these  
4 policies?

5 A. Right. Each student was supposed to read  
6 the guidelines, the policies and  
7 procedures. There's policies and  
8 procedures for Auburn University as a  
9 whole, there's policies and procedures for  
10 a graduate program in biomedical sciences,  
11 there's policies and procedures that are  
12 set up for specific veterinary students in  
13 the veterinary classes. Each student is  
14 supposed to know what they're supposed to  
15 do, but at times they would come to me for  
16 advice.

17 Q. Okay. In fall of 2003, am I correct that  
18 you entered the doctor of philosophy  
19 program in biomedical sciences? Is that  
20 correct?

21 A. That's correct.

22 Q. Do you know what date you started classes  
23 there, when the fall semester began?

1 hypothesis?

2 A. I collected a lot of information, so it's  
3 multi layered. One theory -- one  
4 information that we collected, of course,  
5 was prevalence information. That was more  
6 towards my master's. You could detect how  
7 many. That's not too hard of a  
8 hypothesis. I think there's -- the  
9 population, the prevalence of heart worm  
10 disease in cats is five percent or ten  
11 percent. If I actually go do this  
12 research, I found that it was at two  
13 percent by necropsy, 15 percent by  
14 serology.

15 As I went toward my Ph.D, we were going  
16 to investigate the histopathology behind  
17 it, the radiographs, the clinical signs,  
18 how that compared to an experimental model  
19 of experimentally infecting cats with heart  
20 worms, compare that result with the  
21 information in the natural setting that we  
22 had collected at the humane society.  
23 Hopefully, we would learn a connection

1           between feline heart worms disease and  
2           radiographic signs of asthma, testing the  
3           serology to find a better test to diagnose  
4           these heart worm infections.

5       Q.   Tell me about the research that you  
6           actually did do.   Some of your research --  
7           or was it all of your research that was  
8           associated with your master's program, is  
9           that what you used for this or were going  
10          to use?

11      A.   From June 2001 until June 2003, I collected  
12          a lot of information over at the humane  
13          society on these cats.   I would take that  
14          back to the vet school and do some work  
15          also.

16                I did not use all the information I  
17          collected for my master's.   Some of that,  
18          it was too much information just for a  
19          master's project.   The amount of  
20          information I collected was not normally  
21          collected by a master's student.   It would  
22          be more geared toward a Ph.D. student.  
23          Some of the information was going to be

1           used towards my Ph.D. program.

2           That was discussed in my exit interview  
3           with Dr. Blagburn and my committee of  
4           Dr. Spencer, Dr. Newton, and Dr. Dillon.  
5           When I was defending my thesis to them,  
6           at the end of that meeting they said, Chris  
7           is going to stay here at Auburn. He's  
8           going to continue in his Ph.D. -- continue  
9           doing the work with feline heart worm  
10          disease that he started. He's going to use  
11          the excess information from the two-year  
12          study he did and use that toward his Ph.D,  
13          which may consist of more research of  
14          experimentally infecting cats with heart  
15          worms and comparing the two.

16       Q.   Did you actually do any research when you  
17           were in the Ph.D. program?

18       A.   Let's see. Collecting new research, like  
19           the experimentally infecting cats? That  
20           would be the thing that was -- that we had  
21           talked about doing, and we hadn't started  
22           that yet.

23       Q.   Is that answer no, you didn't do any

1 left at Auburn University.

2 Q. Did you ever talk about -- prior to  
3 December 3rd, 2003 talk about your research  
4 with Dr. Blagburn or any other professor at  
5 Auburn?

6 A. Yes.

7 Q. That's probably a bad question. It's too  
8 general. Talk about what would happen to  
9 it.

10 A. In my defense, this meeting with my  
11 committee, I was under the impression that  
12 that information was going to be used by me  
13 in finishing my Ph.D. program.

14 Q. That was the agreement going in or --  
15 not -- that is what y'all had discussed  
16 going in, that you did all of this  
17 research, it's good research, you've got a  
18 lot of it, you can use it for your Ph.D?  
19 Is that what you're referring to?

20 A. That's correct.

21 Q. Okay. No other agreement or no other  
22 discussion relating to what's going to  
23 happen with this research once I ultimately



1 Q. An MS?

2 A. No.

3 Q. Undergrad degree?

4 A. Probably.

5 Q. Okay. I mean, just tell me what you did.

6 When you decided that I want to get my

7 Ph.D, just take me through those steps.

8 A. I think at Auburn University it's set up

9 that if you've received your master's

10 already and you want to enroll in the Ph.D.

11 program, you want to apply and get accepted

12 into the Ph.D. program, if you finish your

13 master's and you're in good standing

14 gradewise with a 3.7 like I was, you're

15 automatically enrolled into a Ph.D. program

16 if you apply for it. That's all it took.

17 Q. So basically, you go -- who did you go to

18 and sign up for it with?

19 A. It has to be cleared with the graduate

20 school and either Dr. Janicki, who was

21 associate dean of research, would help you

22 clear that with the graduate school, or

23 Dr. Blagburn could talk to Dr. Janicki. I

1 think the final authority goes through  
2 Dr. McFarland or the dean of the graduate  
3 school.

4 Q. Okay. How do you choose what Ph.D. you  
5 want to get? I mean, explain that.  
6 There's Ph.D.'s in numerous things; is that  
7 correct?

8 A. Definitely. It used to be set up that you  
9 would study a specific topic like  
10 parasitology or immunology or histology or  
11 anatomy or radiology, something like that,  
12 a specific discipline, and then I think you  
13 were awarded a degree in parasitology or  
14 immunology. Sometime in 2000 and something  
15 or around 2003, they changed it to everyone  
16 who graduates with a master's or Ph.D.  
17 receives a degree in biomedical sciences.  
18 You would still have a specific area which  
19 you were trained in because they are going  
20 to have to produce parasitologists or  
21 immunologists. If you were going to go  
22 into that field, you would still have a  
23 major which would be that.

1 Q. Was that because you were going to do your  
2 work under Dr. Blagburn, who was located in  
3 that department?

4 A. I was interested in parasitology, and  
5 Dr. Blagburn said that he would like for me  
6 to -- he would like to be my major  
7 professor and for me to study parasitology  
8 under him.

9 Q. Okay. And Dr. Blagburn was located --

10 A. In pathobiology.

11 Q. -- in the department of pathobiology.

12 Who else was located in that  
13 department?

14 A. Parasitology-wise, topics of my interest  
15 would be Dr. Hendrix and Dr. Blagburn.

16 Q. Okay. Who were professors in the, say,  
17 anatomy, histology --

18 Is that correct? And one other word I  
19 didn't catch.

20 A. Physiology.

21 Q. -- and physiology. Who were professors in  
22 that?

23 A. Who were professors in that department?

1 accused of going through another graduate  
2 student's desk. I was not made aware of  
3 it. No one talked to me about it.

4 I think Dr. Wolfe interviewed Peter  
5 Christopherson about this, and they never  
6 told me about it. But Peter Christopherson  
7 told me about it, and he said that the  
8 women, Jamie Butler and some others in the  
9 lab sit around in the morning and talk  
10 about me and talk about ways to get rid of  
11 me. And I said, what am I going to do,  
12 Peter? And he said, it doesn't matter what  
13 you do. They're going to turn it into  
14 making you look bad --

15 Q. Did we talk --

16 A. -- because they want to get rid of you.  
17 They want you out of here.

18 Q. We talked earlier. I asked you what kind  
19 of relationship you had with Tracey Land  
20 and Jamie Butler, good or bad, if you knew  
21 of any reason why they would be out to get  
22 you, and you didn't tell me what you just  
23 told me just then. Why was that?

1 A. I've heard that Jamie Butler has had  
2 problems with me, and I told you I didn't  
3 have a problem with her. And I don't have  
4 a problem with Tracey Land.

5 Q. Right. But I believe I asked you if there  
6 were problems between you or if you knew of  
7 any reason why they would be -- why they  
8 would say certain things about you that  
9 weren't true, and you didn't --

10 A. Their reasons --

11 Q. You didn't at that time tell me that. Why  
12 didn't you say that then?

13 A. It's hard for me to speak for what their  
14 reasons were, and I'm trying to answer the  
15 question as best I can. Their reasons --  
16 I'm not sure what their reasons are, but  
17 they --

18 I was promised by Dr. Blagburn and  
19 Wolfe -- they said that Dr. Hendrix was  
20 going to retire in a couple of years, in a  
21 year or so he was eligible for retirement,  
22 and they wanted me to be the next  
23 parasitologist at Auburn and take his

1 place. Dr. Blagburn told me that the other  
2 parasitologists should always be a  
3 veterinarian with a Ph.D. And, you know,  
4 if Jamie Butler and them or Tracey Land  
5 didn't want me to be a boss of theirs, then  
6 their reasons behind starting these rumors  
7 or making things up about me may be so that  
8 I wasn't their boss at any time.

9 Q. So you think that they have gone on a  
10 campaign to smear your name so that that  
11 would happen?

12 A. That's what Peter Christopherson said.  
13 That's what it sounds like.

14 Q. Do you know when all these events  
15 supposedly occurred?

16 A. I found out about them later. Some of  
17 these things you're mentioning to me, first  
18 time I've ever heard of them. So what  
19 people say about you, if you're not given a  
20 chance to defend yourself, is almost  
21 impossible to counter or to head off or to  
22 even get straightened out. If you only  
23 hear one side of the story, it's going to

1 Q. Was it a failing grade?

2 A. It probably was. It wasn't what I'm used  
3 to.

4 We talked after that second test, and  
5 we decided that I would not be graded for  
6 the third or fourth tests. That what we  
7 would do was to audit this course and  
8 receive an incomplete and then take it the  
9 next semester or at a later time and  
10 receive a grade more representative to when  
11 I've actually had the statistical packages  
12 and things that I needed to do the work.

13 Q. I understand you didn't have some software  
14 or something for this course?

15 A. Correct.

16 Q. You had to have that software to complete  
17 the course?

18 A. Yes.

19 Q. Why were you not able to get that software?

20 A. It wasn't a requirement to have that for  
21 the course, but it turns out it should have  
22 been a requirement to have it. Most of the  
23 students had it in their department. My

1 A. I didn't document that exactly as well as I  
2 did other things.

3 Q. Wouldn't that have been important? Do you  
4 think that would have been something  
5 important?

6 A. I figured I had been dropped from those  
7 classes, because Dr. Janicki had told me  
8 that if I didn't find a new major professor  
9 and new funding and a new department by the  
10 beginning of that semester that I would be  
11 dropped from the graduate school. That I  
12 needed to find a new head of the  
13 department, a new department to continue in  
14 the graduate school, and I needed to find a  
15 new major professor, which I tried to do.  
16 The most reasonable person would be --  
17 outside of pathobiology, which would be  
18 Blagburn and Hendrix, would be Dr. Dillon.  
19 And I couldn't convince him to do it. Like  
20 I told you, he said that if Dr. Blagburn  
21 and pathobiology let me go, nobody else was  
22 going to take me.

23 Q. Did you ever attempt to sign up for any



1 course at Auburn and were told you weren't  
2 allowed to do so?

3 A. No. The only thing that was said in that  
4 fashion was that they told me if I left  
5 and -- left quietly and left, they would  
6 write me good letters of recommendations,  
7 and that they would pay me for December and  
8 January, even though I wasn't working  
9 there, and I would have a clean record.

10 And I tried to argue and say I wanted a  
11 hearing on this. I didn't want the good or  
12 clean record. I didn't want the money.  
13 And I was scared to really make too big of  
14 a stink and check into this, because I  
15 jeopardized my good letters of  
16 recommendation. And those are important to  
17 me because that's my work history, and then  
18 that's my employment history. And if I'm  
19 going to get a job, it's going to be a  
20 reference from Blagburn -- Dr. Blagburn as  
21 a reference. And they held that over my  
22 head; that if I didn't go and cooperate  
23 with what they said that I might not get

1 A. Dr. Blagburn said, I need to meet with you.

2 Q. Was Dr. Hendrix with him at this time?

3 A. I don't think so.

4 Q. Okay.

5 A. He said, why don't you come on up to the  
6 pathobiology conference room? I need to  
7 talk to you. I said, okay. And I got up  
8 there as fast as I could, about five  
9 minutes. Walked in, and he was in the  
10 conference room.

11 Q. Why did you go up there as fast as you  
12 could?

13 A. Well, I only live a couple minutes away,  
14 and I was kind of excited, thinking that we  
15 were going to discuss my course work and  
16 what I was going to take. I had been  
17 waiting on him to do that. He is busy, and  
18 he needed some -- when he does have time, I  
19 jump at the chance to have time with him.

20 He went out of the room when I got  
21 there and said, I'm going to go get  
22 Dr. Hendrix for a minute. He went and got  
23 Dr. Hendrix and came back in the room and

1 shut the door, and that's when he started  
2 to say that, Chris, I hate to do this, you  
3 know, this is not my decision, but  
4 Dr. Wolfe told me that I needed to let you  
5 go or he's going to, and I'm not going to  
6 send you in there to that. I feel like I'm  
7 closer to you and I know you better, and I  
8 don't want to send you in there with that.

9 He said -- he started getting a little  
10 angry and said, you know, you're going  
11 around now asking people to take tests for  
12 you, propositioning a female graduate  
13 student to take a statistics test for you,  
14 you know, cheating. That's unacceptable.

15 I told him that I didn't cheat, and I  
16 was being treated as guilty without a  
17 chance to be proven innocent. He said that  
18 this cheating incident is the straw -- the  
19 final straw, the straw that broke the  
20 camel's back, and that, you know, pretty  
21 much -- I can't remember the exact words,  
22 but this is done. This is old. This is  
23 done, you know. It's over with.

1 I told him I wanted a hearing on these  
2 things; that I had never had a hearing on  
3 this cheating. I wanted to be able to  
4 confront it. And he said that when it came  
5 from the top or it came from the chief or  
6 the top, which is Janicki -- that's what he  
7 said -- you don't question it. And I said  
8 I didn't think this was right. I didn't  
9 think it followed Auburn's policies and  
10 procedures. And he said that it was over  
11 and done with. That's the way it was.

12 He told me he would write me good  
13 letters of recommendation to other  
14 schools. They said that I would be leaving  
15 with a clean record and I was lucky to be  
16 leaving with a clean record. That  
17 everybody doesn't leave with a clean  
18 record. And if I -- I just needed to leave  
19 quietly, and it was going to stay in this  
20 room. Dr. Hendrix and Blagburn would be  
21 the only two to know about it. And they  
22 said I would make a great parasitologist,  
23 just not at Auburn. That I could go to

1 Georgia or Florida or somewhere else, but  
2 that it just wasn't going to work there at  
3 Auburn.

4 And Dr. Blagburn said he -- he didn't  
5 like me defending myself. He kind of got  
6 frustrated with me saying, I don't want any  
7 money. I don't want this good letter of  
8 recommendation. What I want is a chance  
9 for a hearing to confront these  
10 allegations. I don't think I've done  
11 anything wrong that I've had a hearing on.  
12 I've not been aware -- made aware of these  
13 allegations, and I think I deserve a chance  
14 to be heard and defend myself. I need to  
15 be able to mount a defense to these  
16 allegations.

17 And he said, I've got to go to another  
18 meeting and got up, took off out of the  
19 room, and left me there with Dr. Hendrix.  
20 And I told Dr. Hendrix, I said, this is not  
21 policy and procedure. He said, you know,  
22 that he had been in Washington for the last  
23 year and didn't know what was really going

1 on in the lab, that he had been gone, but  
2 he had heard a lot since he got back. And  
3 he said what he thought I ought to do is  
4 take it to the next chain of command, take  
5 it to Dr. Wolfe, which I did.

6 Q. You said that Dr. Blagburn said he was  
7 going to let you go. That's what you just  
8 told me. Did he ever say that, Chris,  
9 you're being dismissed from the Ph.D., the  
10 philosophy program in biomedical sciences?

11 A. Well, see, in my mind, that's related to --

12 Q. Well, let me just ask you this first. Did  
13 he ever say, Chris, you're being dismissed  
14 from the doctor of philosophy program in  
15 biomedical sciences? Did he ever tell you  
16 that?

17 A. I can't remember those exact words.

18 Q. So the answer is no?

19 A. It's very close to that. He didn't say --

20 Q. No. I'm asking you, did he ever say --

21 A. He didn't say, Chris, you're being  
22 dismissed from this. But he did mention I  
23 was not going to be able to finish my Ph.D.

1           program, so, i.e., I am being dismissed  
2           from it even though he --

3       Q.   He said you weren't going to be able to  
4           finish your Ph.D. program?

5       A.   That's correct, at Auburn.

6       Q.   Okay.

7       A.   And I was to turn in my research and my  
8           keys and my card to get into the building,  
9           and that after that date I wouldn't be able  
10          to use that research anymore.

11      Q.   You said that he said this is the straw  
12          that broke the camel's back. What were the  
13          other parts that led up to the straw?

14      A.   You would have to ask Dr. Blagburn that. I  
15          didn't know straws were piling up on the  
16          camel's back. Nobody --

17      Q.   Did you ask him about that at the time?

18      A.   I didn't have very long. It wasn't a very  
19          convenient time to sit there. Whatever  
20          time was there was filled, and he left  
21          before I was through defending myself. I  
22          would have loved to have touched on that,  
23          but he left before I had a chance to talk

1 about it. Nobody wanted to talk about  
2 those things. What they wanted to talk  
3 about was that it was over and done and I  
4 needed to move on with my life.

5 Q. Okay. And what did Dr. Hendrix say at this  
6 time?

7 A. In the meeting?

8 Q. Yes.

9 A. Before Dr. Blagburn left or after?

10 Q. Any time during the meeting, before or  
11 after.

12 A. He said he had been in Washington, D.C.,  
13 and he hadn't -- he wasn't aware of what  
14 was going on, but that he had heard some  
15 things since he had been back. He had been  
16 informed. And that I was -- he would write  
17 me good letters of recommendation to other  
18 schools, Georgia or something like that.  
19 That's where he's from. He said that some  
20 people don't get good letters of  
21 recommendation or two months pay when they  
22 get dismissed from their program.

23 Q. Why do you think they offered to write you



1 to defend myself, then whoever complains  
2 the most gets the -- breaks the camel's  
3 back.

4 Q. You do agree that they could have -- if  
5 they decided -- if they believed these,  
6 whether they were wrong or right, they  
7 could have gone through a process to have  
8 you -- either for Dr. Blagburn to resign as  
9 your major professor or dismissed from the  
10 school; is that correct?

11 A. There are procedures that would allow for a  
12 student to be expelled after having a  
13 hearing or some type of warning or -- you  
14 know, there are rules. They're in the  
15 policies and procedures. They weren't  
16 followed.

17 Q. Why would you think that they wouldn't --  
18 if they were, in fact, dismissing you from  
19 the program, why would they not want you to  
20 have a hearing?

21 A. I'm really not sure why they do what  
22 they -- what they did. On a tape  
23 recording -- on a tape recording that I

1 getting rid of you from the Ph.D. program?  
2 How do you know he wasn't referring to him  
3 resigning as your major professor?

4 A. He never said that. He never said, I'm  
5 resigning from your major professor. If  
6 you're going to resign as my major  
7 professor, he should have called my  
8 committee together. What he told me was  
9 that the head of the department --

10 Q. What procedure requires that?

11 A. -- told me to get rid of you.

12 Q. What procedure requires him to get the  
13 committee together?

14 A. I'm not saying procedure does, but that  
15 would make common sense.

16 Q. Well, then, how do you -- Auburn operates  
17 under procedures. So you're not aware of a  
18 procedure that would require him to get the  
19 entire committee together, are you?

20 A. If you want them to benefit and find a new  
21 major professor, you would call the  
22 committee together. You asked me to  
23 speculate on --

1 Dr. Blagburn, did he say anything about  
2 that in the December 3rd meeting?

3 A. Yes.

4 Q. What did he say?

5 A. He said that he would continue to pay me  
6 for December and January.

7 Q. So into the next semester?

8 A. December and January, and January -- and  
9 the semester started January 13th, I think.

10 Q. Okay. Why would he continue? If you were  
11 being immediately dismissed from the  
12 program, why would he continue your  
13 stipend?

14 A. I'm guessing to help me with a transition  
15 to where I found employment or something or  
16 as a severance package of some sort. I'm  
17 not really sure why they said they were  
18 going to pay me for December and January.

19 Q. Was there any sort of written manifestation  
20 of your meeting with Dr. Wolfe or  
21 Dr. Blagburn? Anything ever written down  
22 by them?

23 A. Not that I'm aware of.

1 Q. Okay. Tell me each and every step that you  
2 took to identify another major professor.

3 A. At the December 3rd meeting, I knew that  
4 Dr. Blagburn was not going to have me.  
5 Dr. Hendrix was not going to take me.

6 Q. How did you know that?

7 A. Because I asked him if I could not leave or  
8 if I could stay in here, and I wasn't --  
9 the department of pathobiology was pretty  
10 much, I'm sure, off limits was the  
11 understanding.

12 Q. You asked Dr. Hendrix this specifically?

13 A. I did talk to him about that.

14 Q. Okay. And tell me what that conversation  
15 was.

16 A. That it wasn't their decision. It was  
17 really Dr. Wolfe's decision.

18 Q. They were saying this? Dr. Hendrix was  
19 saying this?

20 A. Yes.

21 Q. And Dr. Blagburn?

22 A. Yes.

23 Q. They both said this together?

1 A. To my knowledge, that -- they both were  
2 saying that this -- I needed to take this  
3 up with Dr. Wolfe. But their understanding  
4 was that I was not allowed in pathobiology  
5 anymore.

6 Q. Did you ever ask Dr. Hendrix specifically  
7 whether he would serve as your major  
8 professor?

9 A. Yes.

10 Q. You did?

11 A. Yes.

12 Q. And what did he say?

13 A. No.

14 Q. When did you ask him that?

15 A. In that meeting.

16 Q. In that meeting, you asked him that?

17 A. Yes. And then --

18 Q. If you asked him that in the meeting,  
19 sitting here telling me that you thought  
20 you were dismissed from the Ph.D. program,  
21 why would it be necessary to ask him if he  
22 would serve as your major professor?

23 A. I was grasping at straws.

REPORTER'S CERTIFICATE

STATE OF ALABAMA:

MONTGOMERY COUNTY:

I, Patricia G. Starkie, Registered  
Diplomate Reporter, CRR, and Commissioner for the  
State of Alabama at Large, do hereby certify that I  
reported the deposition of:

CHRISTOPHER B. EILAND  
who was first duly sworn by me to speak the truth,  
the whole truth and nothing but the truth, in the  
matter of:

CHRISTOPHER B. EILAND,

DVM, MS,

Plaintiffs,

Vs.

DR. BYRON L. BLAGBURN,

Individually and in his

official capacity, etc.,

Et al.,

Defendants.

In The U.S. District Court

For the Middle District of Alabama

Eastern Division

1 Case Number CV-459-VPM  
2 on April 17, 2006.

3 The foregoing 306 computer printed pages  
4 contain a true and correct transcript of the  
5 examination of said witness by counsel for the  
6 parties set out herein. The reading and signing of  
7 same is hereby waived.

8 I further certify that I am neither of kin  
9 nor of counsel to the parties to said cause nor in  
10 any manner interested in the results thereof.

11 This 27th day of April 2006.

12  
13  
14  
15 Patricia G. Starkie, Registered  
16 Diplomat Reporter, CRR, and  
17 Commissioner for the State  
18 of Alabama at Large  
19  
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